

FILED

COURT **NOT FOR PUBLICATION**

SEP 28 2007

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEANDRO GOMEZ, III,

Defendant - Appellant.

No. 07-10037

D.C. No. CR-05-00300-JMS

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
J. Michael Seabright, District Judge, Presiding

Submitted September 24, 2007**

Before: CANBY, TASHIMA and RAWLINSON, Circuit Judges.

Leandro Gomez, III appeals from his guilty-plea conviction and 284-month sentence for conspiracy to distribute and possess with intent to distribute 500 grams or more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1),

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

(b)(1)(A), and 846.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Gomez's counsel has filed a brief stating that he finds no meritorious issues for review, and a motion to withdraw as counsel of record. No pro se supplemental brief has been filed. Appellee has filed a motion to dismiss the appeal.

We have reviewed the brief and motions, and conducted an independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 83 (1988). We affirm the conviction, and dismiss the appeal of the sentence in light of the valid appeal waiver. See *United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

Accordingly, we **GRANT** counsel's motion to withdraw, **GRANT** Appellee's motion to dismiss based on the valid appeal waiver,¹ and **DENY** all other pending motions.

Conviction **AFFIRMED**; Appeal of sentence **DISMISSED**.

A TRUE COPY
CATHY A. CATTERSON
CLERK OF COURT
ATTEST

NOV 19 2007

by:

Deputy Clerk

¹Gomez's motion to file a late opposition to the motion to dismiss is denied as unnecessary because the opposition was timely filed.

INTERNAL USE ONLY: Proceedings include all events.
07-10037 USA v. Gomez

UNITED STATES OF AMERICA
Plaintiff - Appellee

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LEANDRO GOMEZ, III
Defendant - Appellant

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